

File

OFFICE OF HEARING EXAMINER
FOR THE
CITY AND COUNTY OF YAKIMA

PHILIP A. LAMB

311 NORTH THIRD STREET, P.O. BOX 4
YAKIMA, WASHINGTON 98907

(509) 248-0706

FAX: (509) 248-0707

June 9, 1995

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JUN 09 1995

CITY OF YAKIMA
PLANNING DIV.

Chris Wilson
City of Yakima
Planning Division
129 N. 2nd Street
Yakima, WA 98901

Re: UAZO INTERPRET #2-95 - UNION GOSPEL MISSION
EXAMINER NO. 195-5-27

Dear Chris:

My Examiner's decision is enclosed. The hearing was held on
June 8, 1995.

Best personal regards,

PAL
Philip A. Lamb

PAL/pjl
Enclosure

cc: Mr. Steven Erickson w/encl.
Board of County Commissioners w/encl.

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JUN 9 9 1995

CITY OF YAKIMA
PLANNING DIV.

ISSUED: JUNE 9, 1995

Interpretation, Class 2)	EXAMINER'S DECISION
Review, and Modification of)	
Prior Class 2 Decision,)	INTERPRETATION #2-95
Requested by Union Gospel Mission)	
)	EXAMINER NO. 195-5-27

The Examiner conducted a public hearing on June 8, 1995. In addition to Mission representatives, Calvin Clark, owner of R & R Construction, and Clarence Marshall, neighborhood property owner, attended. The staff report presented by Joan Davenport recommended approval of this three pronged application. The Examiner inspected the property prior to the hearing and again after the hearing with respect to the curb cut on North 1st Street.

SUMMARY OF DECISION.

(1) "Mission" is defined as a Class 2 use in the Light Industrial (M-1) zone;

(2) This current proposal for extension of mission activities into the M-1 zone is approved, subject to several conditions;

(3) This Examiner's prior decision authorizing location of the Mission on North 1st Street is modified, deleting the bus stop requirement and modifying the fencing requirement, which previously required that mission activities be confined to CBDS with the M-1 land owned by the applicant fenced from mission activities.

From the view of the site, the matters contained in the official record including the staff report, a review of both the Yakima Urban Area Comprehensive Plan and the Yakima Urban Area Zoning Ordinance, and from evidence received at the hearing, the Examiner makes the following:

FINDINGS

1. Applicant. Union Gospel Mission.
2. Location. 1300 N. 1st Street.
3. Application. Interpretation, Class 2 Review, and modification of prior Class 2 decision.
4. Proposed Use. Mission.
5. Current Zoning and Use.

The subject property at 1300 North First Street is zoned CBDS, with M-1 located both west and south of the existing facility. The site is presently improved with a building which was constructed as a motel and has been remodeled to accommodate the Mission. Adjoining lands owned by the Mission include a large parcel to the west, near the railroad tracks, as well as a parcel south of the Mission on which a warehouse has recently been constructed.

Adjoining properties have the following characteristics:

<u>Location</u>	<u>Zoning</u>	<u>Existing Use</u>
North (across Oak St.)	CBDS	Restaurant
South	CBDS	Contractor office/warehouse
East	M-1	Vacant tract, RR right of way, light industrial
West of N. First St.	CBDS	Restaurant, various retail

6. Project Description. The staff report from the planning division provides a good historical perspective. "Mission" was established by interpretation as a Class 2 use in the CBD and CBDS zones. After that original interpretation request was submitted, it became apparent that some of the property involved was bisected by a zoning boundary with part of at least one parcel lying in the light industrial (M-1) zone. If that had been realized early on, the original interpretation request would have undoubtedly asked for similar treatment of the M-1 property. The current interpretation request is an effort to correct that original apparent oversight.

If the interpretation requested is granted, the Mission has submitted a Class 2 application for expansion of their

activities in the M-1 zone. Although Class 2 applications typically do not generate a public hearing, the planning division has forwarded it to the Examiner, as permitted under the ordinance, for a public hearing. The proceedings have been consolidated in order to provide an expedited and economical review process.

A third factor deals with the original Class 2 decision authorizing mission activity at this site. The Yakima Gateway Organization appealed the Examiner's decision to the City Council. Prior to Council action, the appeal was withdrawn as a result of a settlement agreement entered into privately between the Mission and the various members of the Gateway organization. The Class 2 decision required the Mission to install a transit stop on North First Street. This was an item of concern to the opposition group. In their agreement the Mission and the Gateway organization agreed to delete the requirement for a bus stop. Their mutual concern was that such a stop not become a gathering place for loiterers. Furthermore, the city transit service already has a bus stop on Oak Street, adjacent this property, which provides safe and effective transit access. Since the City of Yakima is not a party to the private settlement agreement, but through its Examiner has imposed this requirement of a bus stop, both the Mission and Yakima Gateway jointly request deletion of the bus stop requirement.

On a further housekeeping matter, if the Mission is allowed to expand into M-1 property, the fence required in the original decision between the CBDS and M-1 property should be deleted.

7. Interpretation. "Mission" is hereby classified as a Class 2 use in the M-1 zone. The definition of Mission is as set forth in the prior Interpretation, City No. UAZO Interp #1-92, Examiner No. I91-5-2, dated February 27, 1992.

A review of Table 4-1 of the Urban Area Zoning Ordinance indicates that a variety of nontraditional industrial land uses are permitted in the M-1 zone with either Class 2 or Class 2 review. This includes facilities such as churches, community centers, day care centers, half-way houses, hospitals, correction facilities,

libraries, and schools. A mission is consistent with these types of uses. In addition, the February 27, 1992 interpretation is adopted and incorporated herein by reference.

8. Class 2 Review.

8.1 Proposed Site Plan. This proposal includes relocation of 25 parking spaces from the area south of the main building complex to the M-1 zone west of the complex, approval of a loading dock and automotive shop west of the main complex; installation of six parking spaces for other oversized vehicles, with water and sewer connections; and approval of future basketball court, open space and other play field areas in the M-1 portion of the property.

A warehouse has recently been constructed in part of the M-1 property. To the extent that that facility needs Class 2 review and approval, it is clearly consistent with Mission activities, compatible with the area, and is hereby approved. It was built pursuant to a simple building permit because warehouse activities are permitted as a matter of right in the M-1 zone, regardless of the characterization of the warehouse's owner. For instance, a hotel or retail facility could build a warehouse in the M-1 zone.

The warehouse will be serviced by a loading dock, and will be adjacent to a shop which is planned to be used for maintenance and repair of Mission equipment and vehicles. No client vehicle repair is requested, and none is authorized by this decision. The shop and loading dock meet all zoning ordinance standards for building height and setback.

Six recreational vehicle parking spaces are proposed west of the southwest corner of the existing complex. These will be immediately west of the new paved parking spaces relocated from the south side of the alley. These spaces are requested in order to accommodate volunteers who volunteer their services at the Mission. Limited recreational vehicle parking, for Mission volunteers, is consistent with the scope of activities typically experienced by a mission. The Mission is not requesting, and will

not receive, approval for a large or commercial recreational vehicle park. These parking facilities are ancillary to the Mission and its activities. They will be provided with water and sewer connections, installed prior to paving the new parking lot immediately east of these six spaces.

The city has recommended that the RV spaces be paved. The applicant requests gravel. The zoning ordinance requires pavement or other approved surfacing. In this instance, the volume of vehicle movement is expected to be very low. Gravel, and perhaps seal coating as necessary, is expected to be sufficient to control dust, and provides better accommodation for on-site storm drainage control. The RV parking area will be fenced, but need not be view obscuring.

A related issue is treatment of the alley terminus, which currently ends at the west property line of R & R Construction. City recommendations suggest extension of the alley and creation of a hammerhead turnaround to accommodate emergency vehicle movements.

A practical alternative is to require a turnaround area at the end of the alley to be included in the fenced area, and gravel consistent with the RV spaces. This is an industrial area. Turning movements of heavy vehicles, including fire trucks, need to be accommodated, but graveled surfaces, seal coated as necessary, should be adequate to accommodate the relatively low volume of traffic expected at this alley terminus.

Resurfacing of the alley is already required pursuant to the original Class 2 decision.

The other alley, on the west side of the property, running north to Oak Street, is not intended to be utilized by the Mission and therefore need not be improved by the Mission.

8.2 Fencing. Mission activities on their M-1 property will be fenced as the property is developed to accommodate those activities. At some point a basketball court may be developed adjacent to the west alley. At that time, that portion of the Mission property will be fenced with six foot high non-view obscuring fencing. At that time also the existing masonry block

wall parallel to Oak Street will be extended to the alley. Similarly, when play fields are developed on the M-1 property, they will be appropriately fenced. Until such development occurs there is no fencing requirement. The previously required fence to be located on the M-1/CBDS zoning boundary at the rear (west side) of the existing complex is no longer required. The existing masonry wall on the west side is sufficient.

8.3 Bus Stop. The bus stop, Condition 3(D) of the original Class 2 decision, is hereby deleted. The existing curb cut and approach apron, located between the curb and the existing sidewalk, shall be removed and replaced with standard barrier curbing consistent with the rest of the street.

9. Environmental Review. This project is exempt from SEPA review under the flexible threshold for categorical exemptions established in YMC §6.88.070. Previous SEPA review was conducted on the structure and parking areas approved under the prior 1992 site plan.

10. Public Notice. Public notice of the hearing was provided in accordance with the ordinance.

From the foregoing Findings, the Examiner makes the following:

CONCLUSIONS

1. The Examiner has jurisdiction.
2. Mission, as defined by previous interpretation, is classified as a Class 2 use in the Light Industrial (M-1) zoning district.
3. The Class 2 application is approved subject to the following conditions:

A. A total of 82 parking spaces are required, some of which may be located within the M-1 zoning district as reflected on the site plan. All 82 spaces shall be hard surfaced, with appropriate storm drainage designed to the satisfaction of the City Engineer.

B. Six oversized parking spaces, as reflected on the site plan, shall be created for temporary recreational vehicle parking. All six spaces shall be serviced with water, sewer, and electrical connections. The spaces may be graveled, and seal coated as necessary. These spaces shall be fenced, with the fencing designed to include a turnaround at the west terminus of the east/west alley. This terminus area shall also be graveled and serve in lieu of a formal cul-de-sac or hammerhead turnaround.

C. The perimeter of the Mission site under actual use shall be fenced. Future development of play fields or basketball courts will be permitted without subsequent review, all as indicated on the site plan, provided the areas are fenced with appropriate gates.

D. The shop, loading dock, and warehouse are approved as shown on the site plan subject to the condition that no client vehicle maintenance or repair shall be permitted, except on an emergency basis.

E. The prior Class 2 decision, dated October 19, 1992, is hereby amended to delete Condition 3(D), page 32 of that decision. The existing curb cut and approach apron between the curb and existing sidewalk shall be replaced with standard barrier curb consistent with existing curbing.

F. The fencing condition contained in the original Class 2 decision, Condition 3(E), is also deleted. This condition prohibited Mission use of M-1 property, and required all M-1 property to be fenced, prohibiting access from the CBDS property. Class 2 approval of proposed Mission activities on M-1 property negates the need for this prior condition.

4. A final site plan, which includes the items shown on the original site plan, the additions or modifications required by this decision, and demonstrating compliance with the Urban Area Zoning Ordinance, shall be submitted to the Planning Department prior to issuance of a certificate of zoning review or building permit, pursuant to YMC 15.12.050.

5. This decision entitles the applicant to a Certificate of Zoning Review, which is valid for one year from the date of issuance of the Certificate. The Certificate may be extended one time only for up to one additional year by application prior to the termination date, all as set forth in YMC 15.12.060.

DATED this 9 day of June, 1995.



PHILIP A. LAMB
Hearing Examiner

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AUG 02 1994
CITY OF YAKIMA
COMMUNITY DEVELOPMENT

SETTLEMENT AGREEMENT RE: UNION GOSPEL MISSION RELOCATION

The following terms and conditions were negotiated between representatives of the Union Gospel Mission (UGM) and Yakima Gateway Organization (YGO) with regard to relocation of UGM on North First Street, Yakima, Washington.

This document sets forth the agreement of the parties. These terms are in addition to those required by the City of Yakima staff and Phil Lamb, the City Hearing Examiner.

1. Withdrawal of Appeal. YGO will withdraw its appeal of the Hearing Examiner's decision allowing UGM to relocate on North First Street. The notice of withdrawal will be transmitted to City of Yakima Planning Department and City Attorney, and shall include a specific recitation that the subject appeal is withdrawn and YGO does not authorize anyone else to pursue such appeal on its behalf.
2. Future Development. With respect to future development, UGM and YGO agree as follows:
 - (a) Schematic Plan. A schematic plan for future development of UGM is attached hereto as Exhibit A. YGO agrees that the new Mission location and future development of such property in substantial accord with the attached schematic plan and designated uses is approved and acceptable to YGO. Any such future development shall be further subject to such modifications as required by City of Yakima.
 - (b) Request for Class (3) Review. UGM and YGO shall jointly request the City of Yakima (and any other necessary governmental entities) to designate "Mission" as a Class (3) use within the M-1 zoning district. YGO and UGM agree that such classification and review process shall not be applicable to future development in accordance with the attached schematic plan. Class (3) review shall be applicable only to uses or developments above and beyond those contemplated on the schematic plan.
3. Restrooms. UGM agrees to provide a restroom to the general public, 24 hours per day, seven days a week, subject to

reasonable restrictions to insure safety and security, such restrictions shall not include locking either restrooms or access to restrooms.

4. Access. Client access to the property, current and future, shall be restricted to the southside alley entrance designated by Hearing Examiner. The First Street entrance will be for administrative and staff purposes only. There shall be no access from Oak Street except for delivery or services to the subject property.
5. Board of Directors. The UGM Board of Directors will provide a half-hour time slot at the beginning of each monthly board meeting for a YGO liaison/representative of their choosing (or additional members) to attend in order to facilitate communication between the two organizations and allow them to work closer together on future development needs of the area. YGO shall notify UGM three (3) days in advance of their interest in attending a board meeting.
6. Break Room. UGM will provide a reading/day room between the hours of 7:00 a.m. and 8:00 p.m. Clients will be allowed to stay on the UGM property as long as they adhere to UGM rules.
7. R & R Construction Sign. As a good neighbor effort, UGM will provide a sign easement, for a sign of not more than nine (9) square feet, on North First Street for R & R Construction, subject to approval as to design by UGM.
8. Signage. UGM will place only one major sign on North First Street. The existing sign will be removed and replaced with a smaller sign mounted lower to the ground on a landscaped mound with lighting. The sign will be designed to have an institutional appearance and will be approximately three feet high and twelve feet wide. Verbiage on the sign will display "UGM Ministries" in large letters and "Union Gospel Mission" in smaller (approximately 4") letters along the bottom. The UGM will allow YGO to review the sign design prior to sign installation.
9. Wall. UGM will repair and maintain the six-foot fence indicated on its schematic plan, as well as construct and maintain the 100' wall required by Hearing Examiner in a manner architecturally consistent with facility design. Security booths and fences as indicated on said schematic plan will be constructed and maintained. All clients (except

"program" participants) will be prohibited from occupying the facility until said walls are constructed and/or repaired.

All future expansion (see schematic plan) will be enclosed by a six-foot chain-link or superior fence. The fencing shall be applicable to areas marked in blue on the attached schematic plan. Any fencing adjoining commercial or residential areas (as marked on the attached schematic plan in yellow) will be site-screened chain-link or superior fence. Fencing marked in pink will be erected at the time the contiguous UGM property is used and developed. All other fencing with respect to future expansion shall be required at the time of such future use and expansion. Existing fencing which may be utilized is marked in green.

10. Shuttles. Two scheduled shuttles per day offering transportation for clients to designated spots in Yakima will be provided by UGM. Said shuttle will also be available for individual trips as determined by UGM staff and will be proactive in offering rides to clients observed along its route. Said shuttle will operate for a minimum of one year.
11. Transit. UGM will join YGO in a request to the Hearing Examiner and Yakima City Council that the proposed bus turn-out and bus stop planned for the First Street side of the facility be eliminated.
12. Security. A minimum of one uniformed night security guard will be provided by UGM to make hourly patrols of the exterior of UGM property and will stay in radio communication with the Yakima Police Department and neighboring properties (with property owner approval).
13. Landscaping. The exterior of the property along North First and Oak will be beautified and maintained by UGM.
14. Alarms. All exterior exits will be alarmed. UGM will investigate feasibility of alarming individual rooms within facility.
15. Occupancy. No more than 260 residents may occupy the facility at any given time, unless otherwise reduced by City of Yakima Fire Code provisions, or in the event of public crises or emergency.

16. Police. UGM will join YGO in requesting City of Yakima Police to increase car and bicycle patrolling of the North First Street area.
17. Proclamation. UGM will join YGO in requesting the Yakima City Council and Mayor of Yakima proclaim North First Street area as a Gateway to Yakima.
18. Signators to Agreement. This Agreement represents a contractual relationship between Union Gospel Mission and member signators of Yakima Gateway Organization. YGO signators shall execute this Agreement and the original shall be maintained in the offices of their counsel, Jerome R. Aiken of Meyer, Fluegge & Tenney, P.S., 230 South 2nd Street, Yakima, Washington, 98901. The signators shall be disclosed only to James C. Carmody of Velikanje, Moore & Shore, Inc., P.S., 405 East Lincoln Avenue, Yakima, Washington, 98901 (counsel for UGM), and to UGM officers and the Executive Committee of the UGM Board. It is agreed that James C. Carmody and UGM shall not disclose the names of such signators to third parties except as necessary to proceed with legal enforcement actions hereunder.
19. Attorney's Fees. Should it be necessary for either party to invoke the aid of a court to enforce the terms of this Agreement, the prevailing party therein, in addition to costs allowed by law, shall recover a reasonable sum as attorney's fees, all of which the other party agrees to pay.
20. Mutual Cooperation. All signators to this Agreement, for both YGO and UGM covenant and agree to implement and comply with the spirit and intent of this Settlement Agreement in good faith.


YAKIMA GATEWAY ORGANIZATION

UNION GOSPEL MISSION

By:


President R. E. L. Constable
YGO Treas
R. E. L. Constable

By:


Roger C. Phillips
Asst. Dir.
Harold G. Hagstrom
Chairman of Board U. G. M.

SETTLEMENT AGREEMENT

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OTHER SIGNATORS

Robert Marshall - Big Valley Motel
 Bill Braden - Pine Oaks apt.

Clark H. Kinner

John F. Curran

Jimmy Heston

James R. Stabler

Yakima County Bee (Jacked)

Palomino Motel (Sue & Taig)

~~John Casper II~~
 John Murphy

Mike Van

Carol S. Wilson

Peggy Kuh

Heborah Barnes

Samuel Aiken Lane 101st St.

Roadrunner Sylvia Ross

North 1st Dairy Queen

Stephen J. Noyd STEVE'S CHEVRON

John & Marthey Meadows Loc.

Brad Stanley (Jacked)

ESPINOZA

Niska Mrs Mary Caplette

Kathy Rigby Red Lobster

John Murphy

Nicholas B. Day

Katherine M. Fries

K. Diane Stader

John M.

Patrick J. Carey

AK Jester 22/01

Sandra Reimer Peycomi

Dr. L. L.

SETTLEMENT AGREEMENT

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Richard B. Elliott - Elliott Insurance